

1 KATE CHINEMEREM NWANSI

2 No. C 13-2010 RS

3 KATE CHIAKA EJIMOFOR-NWANSI,

4 Plaintiff,
5 v.
6 BARRACK OBAMA, et al.,
7 Defendants
8

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS,
DISMISSING COMPLAINT WITH
LEAVE TO AMEND, AND
CONTINUING CASE MANAGEMENT
CONFERENCE**

18 Plaintiff seeks leave to proceed *in forma pauperis*. (“IFP”). In light of her showing of
19 indigence, the IFP application is granted. Under 28 U.S.C. §1915, however, the Court has a
20 continuing duty to dismiss any case in which a party seeks leave to proceed *in forma pauperis* if the
21 Court determines that the action (1) is frivolous or malicious; (2) fails to state a claim on which
22 relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such
23 relief. 28 U.S.C. § 1915(e)(2). As presently drafted, the complaint is without merit in that it fails to
24 set forth a cognizable claim. Rule 8 of the Federal Rules of Civil Procedure provides that to state a
25 claim, a pleading must contain, among other things, “a short and plain statement of the claim
26 showing that the pleader is entitled to relief.” The first part of this requirement—“a short and plain
27 statement of the claim”—cannot be read without reference to the second part —“*showing* that the
28 pleader is entitled to relief.” The Supreme Court has made clear that while “*showing*” an

1 entitlement to relief does not require “detailed factual allegations,” it does “demand[] more than an
2 unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 129 S. Ct. 1937,
3 1949 (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Thus, “[a] pleading that
4 offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not
5 do.’ [citation.] Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further
6 factual enhancement.’” *Id.*

7 Here, the complaint names as defendants Barack Obama, Michelle Obama, Bill Clinton,
8 Hillary Rodham Clinton, Ronald Reagan, and George H.W. Bush. Plaintiff “charges” defendants
9 with battery, false imprisonment, rape, child sexual abuse, negligent homicide, copyright
10 infringement, vandalism, and crimes against humanity, among other things. Plaintiff seeks financial
11 compensation in the amount of \$100 trillion, various items of injunctive relief, and that capital
12 punishment be imposed against defendants. The complaint contains no allegations of fact that
13 would support any of these “charges” or the relief sought. Additionally, while it is not possible to
14 discern the precise nature of all of the claims plaintiff may be intending to assert, it is clear that most
15 if not all of her theories are untenable against any persons, much less against the persons she has
16 named as defendants.

17 Accordingly, the complaint is dismissed. Although it appears extremely doubtful that the
18 deficiencies in the complaint can be cured, in light of her *pro se* status, plaintiff will be given leave
19 to amend. If plaintiff elects to amend, she must file an amended complaint no later than August 30,
20 2013. If no amended complaint is filed, the action will be dismissed without further notice. The
21 initial Case Management Conference herein is continued to October 10, 2013 at 10:00 a.m.

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23 IT IS SO ORDERED.

24
25 Dated: 7/24/13

26 
27 RICHARD SEEBORG
28 UNITED STATES DISTRICT JUDGE